



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,287	12/16/2003	James A. Smith	WATCH-6	6534
7590 Connolly Bove Lodge & Hutz LLP P.O. Box 2207 Wilmington, DE 19899-2207			EXAMINER GUIDOTTI, LAURA COLE	
			ART UNIT 3723	PAPER NUMBER
			MAIL DATE 05/12/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/737,287

Applicant(s)

SMITH ET AL.

Examiner

Laura C. Guidotti

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-21, 23, 24 and 36-43 is/are pending in the application.
4a) Of the above claim(s) 9, 10 and 18-20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 and 40 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-8, 11, 13-17, 21, 23, 24, 36-39 and 41-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-848)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the intermediate section having side edges whereby said loop has two opposite sets of side edges, one of the said sets of side edges being longer than the other of said sets of side edges whereby the bottom section is slanted to conform to a slanted shape of the cleaning implement and said side edges of the intermediate section being of non-symmetrical shape with respect to each other when the cover is in an unassembled condition (claim 12) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Art Unit: 3723

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 37, 39, and 42-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claims 37 and 42 it is unclear as to whether the first end is free of an open area or includes an open area.

Claims 39 and 43 each recite the limitation "said bottom section" in Line 4 and Lines 4-5 respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-2, 4-7, 11, 13-17, 21, and 23-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Gougeon, US 2,293,461.

Gougeon discloses the claimed invention including a flexible cover (29), the cover in its flat unassembled condition having a first end and a second end (see Figure 5, first and second ends are ends of 31 and 33), a continuous intermediate section

between the first end and second end (at 32), the second end terminating in a U-shaped outer edge (as cut 10, including 11 allows the second end to be configured into a U-shape, nearly that is shown in the hashed lines of Figure 1) being bifurcated to create a pair of spaced outwardly extending flaps with an open area between the flaps (12 and unlabeled portion with the open area at 10 in between, Figure 5) of "sufficient width" (as there is a width in the open area), whereby said flaps are maintained completely spaced apart and out of contact with each other in both the assembled and the unassembled conditions of the cover (as they are capable of being, as in the assembled condition the flap 12 is potentially in contact with the opposite end's flaps and not to the flap not marked 12 on the same end; or in the unassembled condition the open area 10 maintains them completely spaced apart), the cover having an inner surface and an outer surface (see Figures), the intermediate section including a central section between the first end and second end (also at 32, see Figures), fastening structure non-detachably on the inner surface of the flaps (13; Page 1 Column 2 Lines 52-54 the stitching is capable of being non-detachable), complementary fastening structure non-detachably on the outer surface of the first end (the fastening structure being the end of 13 itself, is capable of being non-detachable if it is never removed), the fastening structure and the complementary fastening structure being located for engagement to form a closed loop around the cleaning head with the flaps being outwardly of and secured to the first end whereby the open area between the flaps is adapted to accommodate a handle extending outwardly from the cleaning head (see Figures 1-2), the loop having a top and a bottom (see Figures), the central section being at the

bottom of the loop remote from the secured first end and flaps at the top of the loop (see Figures), the intermediate section having a first contact portion on one side of the loop adjacent to the central section (near point 21 as shown in Figure 2), the intermediate section having a second contact portion on an opposite side of the loop adjacent to the central section (also near opposing point 21 as shown in Figure 2), each of the first contact portion and second contact portion being made of absorbent material to provide a cleaning area (as material 17, 18 is capable of being absorbent; Page 2 Column 1 Line 3). Regarding claim 2, there is dispensing structure in the cleaning area of at least one side of the loop (17, 18). Regarding claim 4, the central section is made of absorbent material whereby the contact portions are integral with each other to form a single continuous area (17, 18; see Figure 2), the dispensing structure being a pad (17, 18) mounted to the cover in the continuous cleaning area (see Figure 2), the pad containing an added ingredient (as it is capable of containing oil when cleaning or polishing Page 2 Column 1 Lines 2-5). Regarding claim 5, the pad is located against the inner surface of the loop (as it is stitched, Figure 2) with the cover disposed outwardly of the pad (outwardly in an upwards direction, or alternatively one is capable of reversing the way the cover is mounted), and the pad extending from one side of the loop to the opposite side of the loop across the central section (see Figures). Regarding claim 6, the pad is located against the outer surface of the outside of the loop (see Figure 2), the pad extending from one side of the loop to the opposite side of the loop across the central section (see Figures). Regarding claim 7, the pad is located on one side of the loop and does not extend to an opposite side of the loop whereby the

cleaning area on the opposite side of the loop may function as a wipe with the combined thickness of the pad and the loop on the one side being greater than on the opposite side (see Figures, "one side" being defined prior to one edge of the pad). Regarding claims 11 and 21, the intermediate section has side edges (29) whereby the loop has two sets of side edges (see Figures), and each of the sets of side edges having supplemental fastening structure (24; Page 1 Column 2 Lines 45-51). Regarding claims 13 and 24, there is a cleaning implement having a cleaning head (broom head, Page 1 Column 2 Line 6) and handle (broom handle, shown in Figures), and the cover being mounted around the head with the handle extending outwardly from the cleaning head through the open area between the flaps (see Figures 1-2). Regarding claim 14, the device additionally includes reusable mounting structure on the outer surface on a first side wall (21) and further reusable mounting structure on the outer surface of the cover (23), and the central section being at the bottom of the loop remote from the secured first end and flaps at the top of the loop (see Figures), the reusable mounting structure (the reusable mounting structure is stitching in this case) exposed at the outer surface to detachably mount a detached wipe (17) at the first sidewall of the loop (and the stitching is capable to detachably mount something, as it can be detached easily by pulling or cutting the stitching). Regarding claim 16, the mounting structure is on the central area (at 23) whereby a wipe may be mounted to the cover on the first wall extending to a central section (see Figures). Regarding claim 17, the further reusable mounting structure is on the outer surface of the second wall (also 21) whereby a wipe may be mounted to the cover to both of the walls and across the central section (see

Art Unit: 3723

Figure 2). Regarding claim 23, there is a wipe detachably mounted to the reusable mounting structure (17).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gougeon, US 2,293,461 in view of Granville et al., US 3,400,420.

Gougeon discloses all elements previously disclosed above, however does not disclose that the pad is a coating non-detachably mounted to the cover.

Granville et al. teach a mop (80), a disposable cover (60), and pad (20) wherein the pad is a coating non-detachably mounted to the cover (Column 3 Lines 35-37), the pad coating is made of a compound that is an active and effective bacteriostatic agent so that the pad is able to kill germs and act as a "magnet" for dust (Column 3 Lines 37-46).

It would have been obvious for one of ordinary skill in the art at the time of the invention to substitute the pad of Gougeon for one that is a coating non-detachably mounted to the cover, as Granville et al. teach, so that additional compounds may be part of the coating into the material of the pad, the compounds including agents that are able to kill bacteria and attracting dust.

5. Claims 36-37 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gougeon, US 2,293,461 in view of Bernstein, US 2,269,424.

Gougeon discloses all elements previously disclosed above, however does not disclose that the flaps and open area are confined to a terminal region of the second end and the second end having a pair of opposite side edges disposed toward said side edges of the first end when the cover is in the form of a closed loop with the side edges being free of attachment to each other inwardly of the location of the flaps. Also Gougeon does not disclose that first and second ends are non-symmetrically shaped with respect to each other.

Bernstein teaches a mop cover that has flaps (portions 30 that fold over as shown in Figure 3) and an open area (the area between portions 30 in Figure 3 that are adjacent to and envelop the handle 10 as shown in Figure 3), the flaps and open area are confined to a terminal region of the second end (see Figures 3, 5), the first end having a pair of opposite side edges (see Figures), the second end having a pair of opposite side edges disposed toward the side edges of the first end when the cover is in the form of a closed loop with the side edges being free of attachment to each other inwardly of the location of the flaps (as shown in Figure 3). In regards to claims 37 and 42, the first and second ends are non-symmetrically shaped with respect to each other (when flaps are attached to first end as shown in Figure 3) with the first end being continuous across its outer region free of flaps and an open area therebetween to differ from the second end having flaps and an open area therebetween (Figure 3).

It would have been obvious for one of ordinary skill in the art at the time of the invention to substitute the flaps and shapes of the ends of the cover of Gougeon for ones that have flaps and open area are confined to a terminal region of the second end and the second end having a pair of opposite side edges disposed toward said side edges of the first end when the cover is in the form of a closed loop with the side edges being free of attachment to each other inwardly of the location of the flaps and also first and second ends are non-symmetrically shaped with respect to each other, as Bernstein et al. teach, as an alternative way of fastening a cover about a structure and connecting it to a handle that achieves predictable results.

6. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gougeon, US 2,293,461 in view of Haeusser, US 2,704,375.

Gougeon discloses all elements previously disclosed above further including that the cover is made of absorbent material to provide a single continuous cleaning area extending from one side of the loop to the opposite side of the loop (Column 2 Lines 1-5), however does not include that the cover is impregnated throughout with an added ingredient.

Haeusser teaches a mop duster (13) having a cover (16) that is impregnated throughout by a "chemical or material" to pick up dust and polish a surface being treated so that a user does not need to buy or store additional cleaning products (Column 2 Lines 47-53).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify the absorbent material of Gougeon to be impregnated throughout by

an added ingredient, as Haeusser teaches, so that it has a chemical or material that easily picks up dust or is capable of polishing a surface without the user having to provide for a separate treatment ingredient.

Allowable Subject Matter

7. Claims 12 and 40 are allowed.
8. Claims 39 and 43 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
9. The following is a statement of reasons for the indication of allowable subject matter:

None of the prior art made of record discloses the combination of a flexible cover, said cover in its flat unassembled condition having a first end and a second end, a continuous intermediate section between said first end and said second end, said second end being bifurcated to create a pair of spaced outwardly extending flaps with an open area between said flaps, said cover having an inner surface and an outer surface, said intermediate section including a central section between said first end and said second end, fastening structure on said inner surface of said flaps, complementary fastening structure on said outer surface of said first end, said fastening structure and said complementary fastening structure being located for engagement when said cover is folded around a cleaning head of a cleaning implement to form a closed loop around the cleaning head with said flaps being outwardly of and secured to said first end whereby said open area between said flaps is adapted to accommodate a handle

Art Unit: 3723

extending outwardly from the cleaning head, said loop having a top and a bottom, and said central section being at said bottom of said loop remote from said secured first end and flaps at said top of said loop, said intermediate section having a first contact portion on one side of said loop adjacent to said central section, said intermediate section having a second contact portion on an opposite side of said loop adjacent to said central section, each of said first contact portion and said second contact portion being made of absorbent material to provide a cleaning area on each side of said loop at said bottom of said loop whereby the mounting of said attachment to a cleaning implement converts the cleaning implement to a mop, *said intermediate section having side edges whereby said loop has two opposite sets of side edges, one of said sets of side edges being longer than the other of said sets of side edges whereby said bottom section is slanted to conform to a slanted shape of the cleaning implement, and said side edges of said intermediate section being of non-symmetrical shape with respect to each other when said cover is in said unassembled condition.* In particular, the text italicized is what the prior art does not disclose, teach, or suggest. The Applicant's arguments drawn to these claims in the response of 29 January 2008 are particularly relevant as well. The combination of Gougeon and Laske do not disclose an intermediate section having side edges whereby said loop has two opposite sets of side edges, one of said sets of side edges being longer than the other of said sets of side edges whereby said bottom section is slanted to conform to a slanted shape of the cleaning implement, and said side edges of said intermediate section being of non-symmetrical shape with respect to each other when said cover is in said unassembled condition.

Response to Arguments

10. Applicant's arguments filed 29 January 2008 have been fully considered but they are not persuasive.

The Applicant discusses and argues that the flaps of the Applicant's invention are structurally different than those of Gougeon. The Examiner agrees to a degree, however still finds that Gougeon does in fact disclose the flaps *claimed* (see above rejection for further explanation). The flaps of Gougeon are capable of being spaced apart and out of contact with each other in both the assembled and unassembled conditions of the cover in that when assembled, the flaps of each end may only contact the others of the opposite end depending how they are folded. When unassembled the slit or open area allows the flaps to be spaced apart and out of contact. The Examiner finds this to be a reasonable interpretation of the Gougeon disclosure. Further, other analogous art such as Bernstein (further applied to dependent claims) teaches similar structure to the flaps of the Applicant's invention.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 3723

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura C Guidotti/

Art Unit: 3723

Primary Examiner, Art Unit 3723

lcg